

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8623 of 1995

INDRAVADAN AMBALAL MODI

Versus

JOINT SECRETARY

Appearance:

MR BH CHHATRAPATI for Petitioners
MR SJ DAVE, AGP, for Respondent No. 1
MR VIJAY H PATEL for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 17/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed of accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No.ULC/1099-602/V1 dated 15th April 1999.

6. From the record of the present petition it would appear that the petitioners are in possession of the property in question. The respondents have not filed any affidavit in reply. Even the parawise remarks furnished to the learned AGP do not indicate any position to the

contrary. It is clarified that these are mere observations based upon the state of the record of the present petition and are not to be interpreted as findings of fact recorded upon any factual controversy between the parties.

7. Rule is accordingly discharged with no order as to costs. Interim relief if any stands vacated.

17.08.1999 (Y.B. BHATT J.)